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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 KEITH SULLIVAN,

Case No. 3:25-cv-00153-MMD-CLB

7 v.  
8

Plaintiff,

ORDER

9 WARDEN, *et al.*,10 Defendants.  
11

12 Pro se Plaintiff Keith Sullivan initiated this case with a motion for an extension to  
13 file an appeal. (ECF No. 1-1.) The Court issued an order explaining that if Plaintiff sought  
14 to open a civil rights case, he must file a complaint and an application to proceed *in forma*  
15 *pauperis*. (ECF No. 3.) Plaintiff has now filed a motion to voluntarily dismiss the case,  
16 stating that he initiated this case by accident. (ECF No. 4.) Under Federal Rule of Civil  
17 Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing "a  
18 notice of dismissal before the opposing party serves either an answer or a motion for  
19 summary judgment." FED. R. CIV. P. 41(a)(1)(A)(i). No answer or motion for summary  
20 judgment has been filed. Therefore, the Court grants Plaintiff's motion for voluntary  
dismissal and dismisses this action without prejudice.

21 It is therefore ordered that Plaintiff's motion to voluntarily dismiss this action without  
22 prejudice (ECF No. 4) is granted.

23 It is further ordered that this action is dismissed in its entirety without prejudice.

24 The Clerk of the Court is directed to enter judgment accordingly.

25 DATED THIS 9<sup>th</sup> Day of April 2025.

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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE